



PATENT  
Customer No. 22,852  
Attorney Docket No. 3804.1590-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Divisional Application of:	)	
	)	
Manfred BOHN et al.	)	Group Art Unit: Unassigned
	)	
Application No.: 10/690,597	)	Examiner: Unassigned
	)	
Filed: October 23, 2003	)	
	)	
For: ANTIMYCOTIC GEL HAVING HIGH	)	
ACTIVE COMPOUND RELEASE	)	
	)	
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed before the first Office Action on the merits in the above-referenced application.

Copies of the listed documents are attached.

Applicants call the Examiner's attention to the following currently or previously copending U.S. patent applications, copies of which are attached hereto:

**Application No.:** 08/776,101 - now U.S. Patent No. 6,162,420  
**Filing Date:** January 11, 1999  
**Attorney Docket No.:** 2481.1512-00  
Attached as U.S. 6,162,420

**Application No.:** 09/077,685 - now U.S. Patent No. 6,455,551  
**Filing Date:** June 3, 1998  
**Attorney Docket No.:** 3804.1582-00  
Attached as U.S. 6,455,551

**Application No.:** 09/077,191 - now U.S. Patent No. 6,469,033  
**Filing Date:** August 20, 1998  
**Attorney Docket No.:** 3804.1584-00  
Attached as U.S. 6,469,033

**Application No.:** 09/068,894  
**Filing Date:** September 18, 1998  
**Attorney Docket No.:** 3804.1590-00  
Attached as WO 98/13042

**Application No.:** 10/319,626  
**Filing Date:** December 16, 2002  
**Attorney Docket No.:** 2481.1738-01  
Attached as U.S. Patent Application Publication US-2003-0086881-A1

Applicants relate the following regarding the attached documents that are not in the English language:

• **FR 2 694 694 A1:** This document relates to information understandable from the figures. Applicants also submit an English-language abstract.

• **FR 2 685 867:** An English-language translation accompanies the document.

• **FR 2 685 638:** This document relates to information understandable from the table on page 6, and from the English-language abstract submitted herewith.

• **FR 2 618 068:** An English-language translation accompanies this document.

**WO 98/13043:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 6,469,033 B1.

**WO 98/13042:** This document relates to information understandable from the English-language abstract appearing on its first page, and from its figures and tables.

**WO 97/20560:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 6,455,551 B1.

**WO 96/29056:** This document relates to information understandable from the English language abstract on its first page.

**WO 96/02226 A1:** This document relates to information understandable from the English language abstract on its first page, and from its figures and tables.

**EP 0 771 187 B1:** An English-language translation of this document is submitted herewith.

**EP 0 680 745 (A2 & A3):** These documents relate to information understandable from the tables appearing in the A2 document, and from the English-language abstract submitted herewith.

**EP 0 649 660 A2:** This document relates to information understandable from its tables, and from the English-language abstract submitted herewith.

**EP 0 646 369 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**EP 0 241 918 A2:** Applicants submit herewith an English-language counterpart, U.S. Patent No. 4,797,409.

**DE 38 26 914 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**DE 31 40 954 A1:** This document relates to information understandable from its figures and tables, and from the English-language abstract submitted herewith.

**JP 61-069721:** This document relates to information understandable from the English language abstract submitted herewith.

**HU 208 007 B:** Applicants submit herewith English-language counterparts, U.S. Patent Nos. 5,356,907, 5,395,843, and 5,559,130.

**HU 202 098:** This document relates to information understandable from the English-language abstract submitted herewith.

**Corte et al.:** This document relates to information understandable from the English-language abstract appearing on the first page, and from its figures.

**Grosshans et al.:** This document relates to information understandable from its figures, and from the English-language abstract Applicants submit herewith.

**Hanel et al. (Mycoses 34 (1991)):** This document relates to information understandable from the English-language abstract found on the first page, and from the figures.

**Yoshimasa et al.:** This document relates to information understandable from the English-language abstract appearing on the first page, and from some of its tables.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

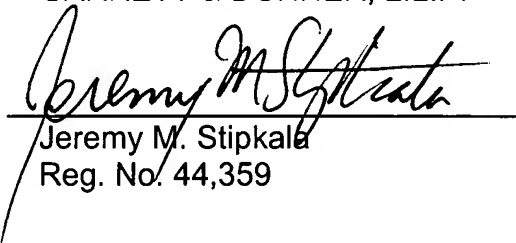
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

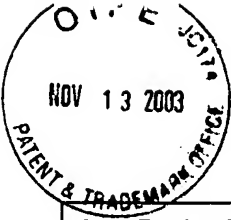
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GARRETT & DUNNER, L.L.P.

Dated: November 13, 2003

By:

  
Jeremy M. Stipkala  
Reg. No. 44,359

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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.: 03804.1590-02	Appln. No.: 10/690,597
Applicants: Manfred BOHN et al.	
Filing Date: October 23, 2003	Group: To be assigned

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	1	6,469,033 B1	22 Oct 2002	Bohn et al.			
	2	6,455,551 B1	24 Sep 2002	Kraemer et al.			
	3	6,162,420	19 Dec 2000	Bohn et al.			
	4	5,866,105	2 Feb 1999	Richter et al.			
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		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	27 ▽	FR 2 694 694 A1	18 Feb 1994	France			English Abstract
	28 ▽	FR 2 685 867	9 July 1993	France			Yes
	29 ▽	FR 2 685 638	2 July 1993	France			English Abstract
	30 ▽	FR 2 618 068	20 Jan 1989	France			Yes
	31 ▽	GB 2 208 149 A	8 March 1989	U.K.			
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	33 ▽	WO 99/49835	7 Oct 1999	PCT			
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	35 ▽	WO 98/13043	2 April 1998	PCT			(U.S. Counterpart)
	36 ▽	WO 98/13042	2 April 1998	PCT			English Abstract
	37 ▽	WO 97/20560	12 June 1997	PCT			(U.S. Counterpart)
	38 ▽	WO 96/29056	26 Sep 1996	PCT			English Abstract
	39 ▽	WO 96/29045	26 Sep 1996	PCT			
	40 ▽	WO 96/19186	27 June 1996	PCT			
	41 ▽	WO 96/13247	9 May 1996	PCT			
	42 ▽	WO 96/02226 A1	1 Feb 1996	PCT			English Abstract
	43 ▽	WO 95/17165	29 June 1995	PCT			
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	46 ▽	EP 0 771 187 B1	07 May 1997	Europe			Yes
	47 ▽	EP 0 680 745 A3	8 Nov 1995	Europe			English Abstract
	48 ▽	EP 0 680 745 A2	8 Nov 1995	Europe			English Abstract
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	50 ▽	EP 0 646 369 A1	5 April 1995	Europe			English Abstract
	51 ▽	EP 0 515 312 A2	25 Nov 1992	Europe			
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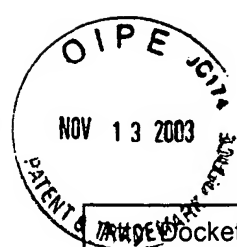
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FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	54 •	EP 0 241 918 A2	21 Oct 1987	Europe			(U.S. Counterpart)
	55 ✓	EP 0 218 410 A3	15 April 1987	Europe			
	56 ✓	DE 38 26 914 A1	15 Feb 1990	Germany			English Abstract
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	59 ✓	CA 2,134,293	27 April 1995	Canada			
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	66	Amos et al., "Clinical efficacy of Polytar AF (Fongitar) and Nizoral Scalp Treatments in Patients with Dandruff/Seborrheic Dermatitis," <i>Journal of Dermatological Treatment</i> , Vol. 5, pp. 127-130 (1994).
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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83	Shapiro et al., "Medicated Shampoos," <i>Clinics in Dermatology</i> , Vol. 14, pp. 123-128 (1996).
84	Shuster, S., "Dandruff, Seborrheic Dermatitis, and Pityrosporum Ovale," <i>Cosmetics and Toiletries</i> , Vol. 103, pp. 87-91 (1988).
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OMB No. 0651-0011

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	87	"Seborrheic Dermatitis and Dandruff," Manual of Dermatologic Therapeutics, 5 <sup>th</sup> Ed., Ch. 29, pp. 164-167 (1995).
	88	Abstract of JP 07-082126 A (1993).
Examiner		Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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